



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re of the Application of

Stephen Michnick et al

Serial Number: 10/772,021

Filed: February 5, 2004

For: PROTEIN FRAGMENT  
COMPLEMENTATION ASSAYS  
FOR HIGH THROUGHPUT AND  
HIGH CONTENT SCREENING

Group Art Unit: 1631  
Examiner: John S. Brusca

**DECLARATION PURSUANT TO 37 C.F.R. § 1.132**

I, Stephen William Watson Michnick, hereby declare and state the following:

1. I am one of the co-inventors of the above-cited application.
2. I, along with my co-inventors Ingrid Remy, Marnie L. MacDonald, Jane Lamerdin, Helen Yu and John Westwick were involved in the conception of the presently claimed invention.
3. I am aware that there is a publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 10/856,620 now U.S. Patent Publication 2004/ 0241636 A1 ("the '636 application"), was published on December 2, 2004.

4. The inventors listed on the '636 application and publication are Stephen William Watson Michnick, Barbara Belisle, Marnie MacDonald, John K. Westwick and Jane Lamerdin.

5. I believe that Barbara Belisle listed as an inventor on the '636 application, is properly not named as inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '636 application, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

6. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 10/724,178 and now U.S. Patent Application Publication US2004/0137528 A1 ("the '528 application"), was published on July 15, 2004.

7. The inventors listed on the '528 application and publication are Stephen William Watson Michnick, Marnie MacDonald and Jane Lamerdin.

8. I believe that all the inventors on the '528 application, are properly named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '528 application, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick..

9. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/353,090 now published as U.S. Patent Application 2004/0038298 A1 ("the '298 application"), was published on February 6, 2004.

10. The inventors listed on this '298 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

11. I believe that Joelle Nina Pelletier, listed as co-inventor on the '298 application, is properly not named as inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '298 application, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick..

12. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely co-pending U.S. Patent Application No. 10/154,758 now published as U.S. Patent Application 2003/0049688 A1 ("the '688 application"), was published on March 13, 2003.

13. The inventors listed on this '688 application are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

14. I believe that Joelle Nina Pelletier, listed as co-inventor on the '688 application, is properly not named as inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '688 application, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

15. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent Application No. 09/603,885 ("the '885 application"), was filed on June 26, 2000.

16. The inventors listed on this '885 application are Stephen William Watson Michnick, Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt.

17. I believe that Joelle Nina Pelletier, Andreas Pluckthun and Katja Arndt listed as co-inventors on the '885 application, are properly not named as inventors on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '885 application, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

18. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This

publication, namely U.S. Patent 6,428,951 ("the '951 patent"), issued on August 6, 2002.

19. The inventors listed on the '951 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

20. I believe that Joelle Nina Pelletier, listed as co-inventor on the '951 patent, is properly not named as inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '951 patent, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

21. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,294,330 ("the '330 patent"), issued on September 25, 2001.

22. The inventors listed on the '330 patent are Stephen William Watson Michnick, and Ingrid Remy.

23. I believe that Ingrid Remy, listed as a co-inventor on the '330 patent, is properly named as a co-inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '330 patent, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

24. I am also aware that there is another publication which was cited by the Examiner of the present application, which discloses certain aspects of the presently claimed invention. This publication, namely U.S. Patent 6,270,964 ("the '951 patent"), issued on August 7, 2001.

25. The inventors listed on the '964 patent are Stephen William Watson Michnick, Joelle Nina Pelletier and Ingrid Remy.

26. I believe that Joelle Nina Pelletier, listed as co-inventor on the '964 patent, is properly not named as inventor on the present application. To the extent that aspects of the presently claimed invention are disclosed in the '964 patent, those aspects represent inventions conceived solely by myself, Ingrid Remy, Marnie MacDonald, Jane Lamerdin, Helen Yu and John Westwick.

27. I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both and under Section 1001 of title 18 of the United States Code.

25 April 2005.  
DATE

  
STEPHEN WILLIAM WATSON MICHNICK